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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,783	07/21/2000	Junichi Tanahashi	36.P270	4974

5514 7590 05/13/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/621,783

Applicant(s)

TANAHASHI ET AL.

Examiner

Stephen M Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-34 and 44-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-34 and 44-52 is/are allowed.
- 6) ☒ Claim(s) 53-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 53-56 & 59 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamoto et al.

Re claims 53 & 56, Kawamoto et al discloses a system (Figures 1-2; column 7, lines 21-43; column 8, lines 40-61) in which print data (constituting "a plurality of pages" at least in the case when a new document is printed following the printing of a previous document) is received. The format of the print data is analyzed (source code recognizer 20, token analyzer 21, syntax analyzer 22, document configuration analyzing section 23, resource attribute analyzing section 24), and in accordance with the result objects of print data are assigned (print information splitting section 25) among a plurality of parallel developing sections for developing the print data into image data (developing sections 7, 7', 7'', etc). The resulting image data is then printed (printing engine 9).

Re claims 53, 56, & 59, Kawamoto et al further discloses (column 7, lines 21-43, particularly lines 29-34) that several different page description languages are used in the Kawamoto et al system (column 7, lines 29-30) and that page description

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language source code is recognized (column 7, lines 33-34). The recognition of a language is clearly inherent to the recognition of specific elements conveyed in that language, as the latter would clearly not be possible without the former. The print data (which is then assigned to developing means) is based on the result of this recognition.

Re claims 54-55, the recited specific data format limitation is inherently met when the Kawamoto et al. device is given input print data in the recited format.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto et al in view of Applicant's recognized Prior Art.

Kawamoto et al discloses the use of a printing engine 9. Kawamoto et al does not disclose expressly whether the disclosed printer engine prints a monochrome or polychrome image.

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Applicant (page 1, lines 20-22) discloses as known Prior Art the use of such a three-color-component printer.

Kawamoto et al and Applicant's known Prior Art are combinable because they are from the field of image processing and printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the known three-color-component printer described by Applicant as the printing engine of Kawamoto et al.

The suggestion/motivation for doing so would have been enabling the Kawamoto et al image processing and printing arrangement to produce color images.

Therefore, it would have been obvious to combine Kawamoto et al with Applicant's recognized Prior Art to obtain the invention as specified in claims 57-58.

***Allowable Subject Matter***

5. Claims 25-34 & 44-52 are allowed.

6. Applicant's arguments, see Remarks filed 05/24/04 (page 11, line 13 - page 15, line 22), with respect to claims 25-34 & 44-52 have been fully considered and are persuasive.

***Response to Arguments***

7. Applicant's arguments, see Response filed 11/22/04 (page 10, lines 9-11), with respect to the rejections of claims 57-58

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under 35 USC §112 have been fully considered and are persuasive.

This rejection has been withdrawn.

8. Applicant's arguments filed 11/22/04 with respect to the rejections of claims 53-56 under 35 USC §102 and the rejection of claims 57-58 under 35 USC §103 have been fully considered but they are not persuasive.

Re claim 53, Applicant argues (11/22/04 Response: page 11, line 3 - page 12, line 7) that Kawamoto et al does not teach or suggest the feature (recited in amended claim 53) of judging whether or not a format of received print data represents a predetermined description language and assigning data based on the result.

However, as noted above, this feature is inherent given the teachings of Kawamoto et al (column 7, lines 21-43, particularly lines 29-34). Specifically, Kawamoto teaches the recognition of commands conveyed in a page description language and the use of a plurality of page description languages; the former would not be possible unless a specific one of the latter were identified (as an attempt to interpret one page description language by a system that had identified the commands as belonging to a different page description language would generally fail, or at least produce garbled results).

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Re claims 54-58, Applicant argues (11/22/04 Response: page 12, lines 10-13) that these claims depend from claim 53 and are thus allowable for the same reasons.

This argument has been addressed above.

Re new claim 59, Applicant argues (11/22/04 Response: page 12, lines 14-18) that Kawamoto et al does not teach or suggest the feature of judging whether or not a format of received print data represents a predetermined description language and assigning data based on the result.

This argument has been addressed above.

#### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.



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Hand-carried or courier-delivered correspondence pertaining  
to this application should be directed to

US Patent and Trademark Office  
220 South 20<sup>th</sup> Street  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington VA 22202

Stephen M Brinich  
Examiner  
Art Unit 2624

smb *smb*  
April 19, 2005



THOMAS D.  
~~LEE~~ LEE  
PRIMARY EXAMINER